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10/016,001	12/10/2001	Ynjiun P. Wang	T075A	3855

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EXAMINER

JEANTY, ROMAIN

ART UNIT PAPER NUMBER

3623

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/016,001

Applicant(s)

WANG ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 16-23 and 26-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 16-23, 26-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is in response to the communication received September 20, 2006.

Claims 1-4, 16-23, and 26-28, 31-34 are pending in the application.

### **Response to Arguments**

2. Applicant's arguments filed on September 20, 2006 have been fully considered but they are not persuasive.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 16-23, and 26-28, 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al (U.S. Patent No. 5,978,773) in view of Keithley (U.S. Patent No. 5,584,025).

As to claims 1 and 3, Hudetz et al disclose:

Providing the customer with a bar code symbol reader (Col. 5, lines 1-5).

Scanning a uniform product code (UPC) bar code symbol (col. 8, lines 38-43); and

Providing an associated table in a database between the UPC symbol data and an Internet web site address affiliated with the product manufacturer (col. 7, lines 17-28 and col. 7, lines 64 through col. 8, line 10);

Providing the associated web site address to a remote computing device of the consumer for allowing the consumer to make a product information inquiry to said web site address (e.g., displaying a web page having a URL for the user to click on to make a product inquiry)(col. 7, lines 45-57).

Hudetz et al do not explicitly disclose transmitting demographic information about the consumer to the product manufacturer that transfers the information inquiry to the manufacturer. Keithley in the same field of endeavor, discloses the concept of sending a user's demographic data to a manufacturer utilizing data inquiries (col. 11, line 11 through col. 12, line 11). It would have been obvious to a person of ordinary skill in the art to modify the disclosure of Hudetz et al to include the teachings of Keithley. A person having ordinary skill in the art would have been motivated to use such combination in order to measure advertising in terms of exposure, response and level of interest of a user. Keithley does not explicitly disclose the concept of utilizing data packet information. However, it would have been obvious to a person of ordinary skill in the art to utilize data packet information as it is well known in the art of communication. Including a data packet information into Hudetz and Keithley would have been obvious to a person of ordinary skill in the art with the motivation to identify the origin and destination of the outgoing and incoming data.

As per claim 2, Hudetz et al disclose the bar code reader being provided at the user's terminal (see figure 1).

As per claims 16 and 21, Hudetz et al disclose:

Scanning identifying indicia on a product with a barcode (UPC) bar code symbol (col. 8, lines 38-43); and

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Determining at least one web site address affiliated with the scanned product utilizing a Mapping Service Provider (See figure 8 element 224; col. 9, lines 14-22).

Providing product information to the consumer by requesting and loading a web page associated with the at least one web site address (See figure 3, element 92 and col. 9, lines 54-64).

Hudetz et al do not explicitly disclose transmitting demographic information about the consumer to the product manufacturer that transfers the information inquiry to the manufacturer. Keithley in the same field of endeavor, discloses the concept of sending a user's demographic data to a manufacturer utilizing data inquiries (col. 11, line 11 through col. 12, line 11). It would have been obvious to a person of ordinary skill in the art to modify the disclosure of Hudetz et al to include the teachings of Keithley. A person having ordinary skill in the art would have been motivated to use such combination in order to measure advertising in terms of exposure, response and level of interest of a user.

As per claim 17, Hudetz et al further disclose wherein the identifying indicia is a uniform product code (UPC) (col. 6, lines 15-20).

As per claim 18, Hudetz et al further disclose wherein the Mapping Service Provider (MSP) employs a mapping function to match identifying indicia to a web site address from among a list of identifying indicia and web site address mappings residing in a storage device (col. 7, lines 29-42; col. 8, lines 47-63; col. 9, lines 5-13).

As per claim 19, Hudetz et al further disclose wherein the web page includes at least one link to a related web page (col. 9, lines 14-22).

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As per claim 20, Hudetz et al show the domain name for the links. Thus, it infers that the domain name goes through a domain name server to translate it into the proper numerical addressing sequence use by the Internet (See figure 4; and col. 5, lines 55-65).

As per claims 22-23, and 34, Hudetz et al disclose:

Scanning identifying indicia on a product with a barcode (UPC) bar code symbol (col. 8, lines 38-43); and

Determining at least one web site address affiliated with the scanned product utilizing a Mapping Service Provider (See figure 8 element 24; col. 9, lines 14-22).

Providing product information to the consumer by requesting and loading a web page associated with the at least one web site address (See figure 3, element 92 and col. 9, lines 54-64).

Hudetz et al do not explicitly disclose transmitting demographic information about the consumer to the product manufacturer that transfers the information inquiry to the manufacturer. Keithley in the same field of endeavor, discloses the concept of sending a user's demographic data to a manufacturer utilizing data inquiries (col. 11, line 11 through col. 12, line 11). It would have been obvious to a person of ordinary skill in the art to modify the disclosure of Hudetz et al to include the teachings of Keithley. A person having ordinary skill in the art would have been motivated to use such combination in order to measure advertising in terms of exposure, response and level of interest of a user.

Regarding claims 27-33, the claimed features are standard practice in the marketing art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include such features in order to allow users to request and obtain product

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information, thereby increasing marketing sales for a manufacturer and allowing the manufactures to efficiently maximizing market profitability.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al and Keithley g as applied to claim 1 above, and further in view of Kaplan (U.S. Patent No. 5,963,916).

As per claim 4, the combination of Hudetz et al and Keithley does not explicitly disclose providing targeted e-mails to the consumer for product announcements by the manufacturer. Kaplan on the other hand, discloses sending a product notification to a user. Note column 16, lines 16-26. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Hudetz et al and Keithley to include an e-mail notification as taught by Kaplan with the motivation to encourage a user to purchase certain desired products from the manufacturer, thereby increasing marketing sales for the manufacturer.

#### Remarks

6. In response to applicant's argument that the invention as claimed provides a user terminal includes “a **transducer**”, it is noted that the features upon which applicant relies (i.e., “a **transducer**” ) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant asserted that the combination of Hudetz and Keithley fails to teach the claimed invention. Applicant supported his assertion by specifically arguing that the combination of Hudetz and Keithly fails to teach the claimed invention. Applicant supported his assertion by

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arguing that Hudetz does not teach providing the demographic information of a consumer to the manufacturer of a product by utilizing data packet information that transfers the information inquiry to the manufacturer, or by utilizing information transferred within the web page request or by employing a Domain Name Service to translate Internet Protocol mapping information transferred by the consumer when requesting a web page. In response, the examiner respectfully disagrees because Hudetz does teach a URL for transferring product information to a user terminal when a user requests product information, and Keithly gathers a user demographic information and transfers the user demographic information to an advertiser. It is understood that information transfer of information has to be transferred utilizing data packet information as it is well known to do so in the art of communication. Therefore, combining the teachings of Hudetz and Keithly would have been obvious to a person of ordinary skill in the art in order to measure advertising in terms of exposure, response and level of interest of a user, thereby effectively providing marketing analysis.

### **Conclusion**

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37



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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RJ

November 27, 2006

  
Romain Jeanty  
Primary Examiner  
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